

CITY OF FRESNO
DISABILITY ADVISORY COMMISSION
DEPARTMENT OF PUBLIC WORKS

DISABILITY ADVISORY COMMISSION MEETING
City Hall, Second Floor – City Council Chambers
MINUTES OF THE DECEMBER 8, 2008 MEETING

DAC Members Present: Chair, Robert Hand, Vice Chair, Lillian Fillpot, Darby Greer, MaryBeth Randall, Russ Hoeltzer, Ron Sheppard

Staff Present: Carlos Duarte (*ex officio* DAC member), Jeff Eben (*ex officio* DAC member), Elizabeth Kunz, Shelley Morrison, Kathryn Phelan

Call to Order and Self Introductions were made.

Approval of Minutes

A motion to approve the October 27, 2008 Meeting Minutes was made by Mary Beth Randall, seconded by Russ Hoeltzer and unanimously approved.

Discussion of the California State Budget Process

Jeff Eben encouraged the DAC members to be aware of the California State Budget process and understand the new budget and what the proposed cuts mean, so the DAC can take an official stand on behalf of the City and its constituents. He referenced the Governor's personal website that has a line by line analysis of the budget. Jeff asked that the DAC members learn about the budget, ask questions of the City budget officers, and keep informed of the reality of the budget process.

Discussion of the Brown Act requirements for working committees

Kathryn Phelan of the City Attorney's office gave a presentation on the Brown Act rules as they apply to working groups. She indicated

that working groups created by formal action and have a continuing jurisdiction would be covered by the Brown Act.

The Chair commented that a group of less than a quorum of the DAC formed for a short period of time may not be subject to the Brown Act. Ms. Phelan indicated that this would get you closer to being a temporary ad hoc committee, but the decision as to whether a working committee is subject to the Brown Act may not be easy to determine, and fact specific.

The Chair opened the floor to public comment.

Carol Casey addressed the DAC. She said that she believes that there needs to be an extension of the ADA. Ms. Casey said they were willing to go out and work to get things done, and try to help everyone.

Bob Hand responded that there was no intention to do away with the existing committees, but some procedural changes may be needed.

Cynthia Ortegon addressed the DAC. She identified herself as the Chair of the City of Madera ADA Advisory Council. Ms. Ortegon said that she was pleased to see the working groups, and learn about the Brown Act.

Annette Carter addressed the DAC. She directed attention to example #2 in the handout provided by Ms. Phelan. Ms Carter said that the existing ADA Advisory Council and the FAX ADA Advisory committee pretty much go by the Brown Act already. The new groups would be continuing, open and also subject to the Brown Act.

Ed Eames addressed the DAC. He identified himself as the Chair of both the FAX ADA Advisory Committee and the ADA Advisory Council. He said that the question remained as to what procedures we need to add to the existing groups to make them compliant. Dr. Eames said that these groups need some guidance from the City Attorney on this matter. He pointed out both groups have been open public bodies since the beginning.

Bob Hand said that there had been a Brown Act training at the first DAC meeting. Ms. Phelan suggested having the training again, and have a joint meeting with the other groups. Bob requested that such a meeting be scheduled after the first of the year, at the next DAC meeting.

Clarification of status of working groups

The Commissioners discussed whether their areas of interest would be handled best as short term or ongoing committees. Ron Sheppard suggested that DAC may wish to coordinate with the new mayoral administration's priorities, and that the DAC may wish to review the changes in the definition of disability in the new amendments to the ADA, effective January 1, 2009.

Jeff Eben indicated that it is likely that the new administration will look to the DAC for direction. He indicated that it would be useful for the DAC to come up with goals for 2009, and see how they align with the new administration. Jeff Eben suggested that each committee determine its goals.

Bob Hand said that the individuals in charge of the issue areas should get together some concepts for goals. These will be discussed at our next meeting, and it can be decided then whether the areas need the consideration of the whole Commission or be handled at a separate [subcommittee] meeting.

Public Comment

Bob Hand opened the floor to public comment.

Ed Eames said that he thought the direction of the DAC was excellent. He suggested that the DAC address the issue of curb ramps. The Fresno ADA Advisory Council has been working on this issue for some time. Dr. Eames suggested that the DAC have someone from Public Works at the next meeting to discuss the designs for curb ramps.

Dr. Eames also announced that City Council would be considering a waiver for the installation of sidewalks at a development at 10:15 am

on December 9, 2008. Dr. Eames invited participants to express their opposition to the waiver during the open period for public comment at City Council at 9:00 am.

Dorothy Hoefling then addressed the DAC. She said that she wanted to make sure that the FAX ADA Advisory Committee and the ADA Advisory Council continued to meet.

Adjournment

There being no further business, Mary Beth Randall made the motion to adjourn. Lillian Fillpot seconded the motion. The meeting was adjourned at approximately 6:30 pm.